

N.D.A.G. Letter to Schaible (Oct. 8, 1986)

October 8, 1986

Mr. Robert R. Schaible
Deputy Secretary of State
Office of Secretary of State
State Capitol
Bismarck, ND 58505

Dear Mr. Schaible:

Thank you for your letter of September 22, 1986, asking whether the October 17, 1986, Virgil Hill professional boxing match is exempt from the regulatory authority of the Secretary of State since a North Dakota nonprofit corporation is sponsoring the exhibition.

Under N.D.C.C. Ch. 53-01, the Secretary of State serves as the state athletic commissioner. As the athletic commissioner, he must, in certain instances, supervise and license boxing and wrestling contests and exhibitions.

The pertinent provisions of N.D.C.C. Ch. 53-01 are as follows:

53-01-07. DUTIES OF STATE ATHLETIC COMMISSIONER. The secretary of state shall have charge and supervision of all boxing, sparring, and wrestling exhibitions held in the state.

* * *

The provisions of this chapter shall not apply to any boxing, sparring, or wrestling exhibitions the net proceeds of which are to be devoted to charitable purposes. (Emphasis supplied.)

53-01-18. CERTAIN ORGANIZATIONAL AND INSTITUTIONAL MATCHES EXEMPT. All boxing, sparring, and wrestling exhibitions conducted or promoted by the high schools, the schools of higher learning, or amateur boxing, sparring, and wrestling sponsored by nonprofit organizations in this state, and those participating therein, shall be exempted from the provisions of this chapter. (Emphasis supplied.)

Under N.D.C.C. §53-01-18, only amateur boxing sponsored by nonprofit organizations is exempt from the provisions of N.D.C.C. Ch. 53-01. Obviously, the Virgil Hill boxing match is a professional fight and would not fall under this exception. However, as N.D.C.C. §53-01-07 provides, professional boxing exhibitions are exempted from regulatory authority where the net proceeds are devoted to charitable purposes. For a detailed

discussion of what constitutes a charitable purpose, see enclosed copy of a July 3, 1986, letter opinion to Ben Meier.

Based upon a review of the nonprofit articles of incorporation of Civic Arena Promotions, Inc., it is clear that the net proceeds of the boxing match will be devoted to charitable purposes. Therefore, it is my opinion that the Virgil Hill boxing exhibition sponsored by Civic Arena Promotions, Inc., is exempt from the regulatory provisions of N.D.C.C. Ch. 53-01.

Sincerely,

Nicholas J. Spaeth

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Enclosure